



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number **March 14-111 RZ/P**

Case Type **Rezoning & Preliminary Plat**

Project Name **Providence Hills Estates**

Applicant/Owner Adam Ferrell
 12104 N. Stark Ave.
 Kansas City, MO 64167

Owners Robert & Sandra Ferrell (*property at 12318 N. Stark Ave.*)
 102 S. Fairview
 Liberty, MO 64068-1427

Request **Rezoning** from Agricultural (AG) and Residential Ranchette
 District (R-5) to Residential Urban Rural Single-Family
 District (RU-80) and Community Commercial (C-2) with a
 Planned Unit Development (PUD) overlay district for
 proposed LOT 4 ONLY.

AND

Preliminary Plat approval of Providence Hills Estates

Application Submittal	2014-01-31
Public Notice Published	2014-02-13
Neighbor Letters Sent	2014-02-14
Report Date	2014-02-27

REPORT AUTHOR(S) Debbie Viviano, Planner
 Matt Tapp, Director

Recommendation APPROVAL with conditions



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General Information

Site Location: approx. 12104 & 12318 N Stark Ave
Section 14 & 15 | Township 52 | Range 32

Site Size: 59.26± Acres

Existing Landuse & Zoning: Agricultural (AG) and Residential Ranchette (R-5)

Zoning/Platting History:

Rezoning/Preliminary Plat - Res#2012-196; Final Plat – Res# 2012-294-(*Not Recorded*); Final Plat – Res#2013-87 – (*Not Recorded*)

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Replat Millen Subdiv (R-1A), Millen Subv (AG), Providence Baptist Church (R-1 & AG)
- East – Agricultural (AG) Zoned Land
- South – Agricultural (AG) Zoned Land, City of Kansas City [1/4 mile]
- West – Ballybrook Estates (R-1A), Cornerstone Valley (R-1A)

Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County Assessor
GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Adam Ferrell is requesting **Rezoning** approval from Agricultural (AG) district and Residential Ranchette District (R-5) to Residential Urban Rural Single-Family (RU-80) and Community Commercial (C-2) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 ONLY, and **Preliminary Plat** approval for Providence Hills Estates 59.26+ acres located at approximately 12104 and 12318 N Stark Avenue.

The property owners would like to divide the land to create two (2) new single-family dwelling lots (Lots 2 and 3), and Mark Mead would like to re-locate his concrete construction business (www.markmeadconcrete.com) to the proposed C-2 portion of Lot 4 and also have his son (Jeremiah) live in the existing house on the RU-80 portion.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the **URBAN SERVICES TIER**, as well as the 1-Mile Urban Coordination Sub-Tier. It is located on trail #C-17; a third priority shared-use trail as identified by the Northland Trails Vision Plan ("NTVP"). The Clay County Parks Department responded they would like a 15' Recreational Easement ("R/E") within 30' Utility Easement (UE) along the frontage of N. Stark Ave.

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier + (Yellow)	Rural Low-Density Tier + (Green)	Urban Services Tier + (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density: Rural Residential Density: low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4- units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ^(b)
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

^(b) On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Kansas City is within the 1-Mile Urban Coordination Sub-Tier. They responded with an e-mail on February 26, 2014 the following was noted: *"Upon reviewing this application, it does not contradict any of our existing approved plans and therefore we have no formal concerns"*.

Therefore, the subject request meets the spirit and jest of the 2008 Comprehensive Plan.

Character of the General Neighborhood

Agricultural (AG) zoned property is in each direction of the property with the exception to the West, where the subdivision Ballybrook Estates (R-1A) rests. Providence Baptist Church, a major place of worship, lies directly to the north of the subject request [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on February 13, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on February 14, 2014. The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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In addition to the above approval rezoning criteria, the petitioner should fully address the three (3) criteria in the Land Development Code (LDC) which requires the Planned Unit Development (PUD) overlay plan approval criteria be met with the application (*Section 151-3.8 (G)*):

1. The PUD Concept Plan is consistent with sound planning practice and the development will promote the general welfare of the county; and
2. A PUD is necessary to address a unique situation or represents a substantial benefit to the county, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards;
3. and the same development could not be accomplished through the use of other techniques, such as rezoning to a non-PUD district or Variances.

Outside Agency Review

The Clay County Highway Department noted:

"Driveway entrance to Lot 4 will need to be moved to crest of hill (north of existing mailbox) to accommodate large truck/trailer traffic. Other lots will be assessed for driveway access as need per Clay County Technical Spec's and MUTCD guidelines. Lot 4 is currently a residential driveway, due to the change in zoning and the new driveway serving a commercial business, a commercial driveway permit will be required."

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 of Clay County presently provides water service for the property and is able to supply the additional meters. The Smithville Fire District serves the property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

The Ferrells spoke with the Army Corp of Engineers ("COE") regarding the drive crossing the creek. COE verbally responded that when a driveway is constructed for Lot 2 a permit from the them would be needed only if the bed of the creek is proposed to be touched. Presently, the Ferrell's are planning on spanning the creek with a bridge for the drive.

The Clay County Soil and Water Conservation District was inspected and the existing pond structure, which is a government pond with the structure, built in the year 2005 or 2006 is in very good condition.

Findings

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 2 or 3. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 and 4 as they occupy existing residences. A RIF waiver for Lot 2 has been approved by the Highway Department. However, RIF will be required for the additional Lot 3 and must be paid prior to the recording of the final plat. The estimated amount of RIF is \$1,031.25 and is subject to change at the time of payment based on the market price of material.



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The Clay County Parks Department is requesting a 15' Recreational Easement to be located within the first 15' of the 30' Utility Easement (UE) along the frontage of N. Stark Ave the Recreational Easement ("R.E.") will need to be added to the recording copies of the final plat along with the standard note.

A Planned Unit Development ("PUD") overlay zoning district is a type of development plan and zoning tool used to address mixed use development between residential and non-residential (e.g. commercial or industrial) uses as requested for proposed Lot 4. *Attachment D* is the proposed business plan and site plan drawing for Lot 4.

The type of business ("*Construction Office/Service*") is not specifically classified in the Use Table of the LDC (Section 151-6.1), but staff recommends the proposed business as submitted best fits the "Community Commercial" (C-2) commercial zoning classification. The business is to be located on the west portion of the proposed Lot 4, which will need to be adequately screened and buffered. While the C-2 district prohibits outdoor storage areas, a PUD allows for greater flexibility in zoning requirements. As such, staff recommends that those areas designated on the site plan [see *Attachment D*] as storage be allowed if approved by the PZC and County Commission and properly screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.

Section 151-10.1 (F) (4) of the LDC addresses the required roadway and parking area surfacing type for all non-residential development/uses, and states:

"All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses except agriculture or single-family uses in the AG, R-1 or R-5 districts shall be paved and kept in a dust-free condition at all times. Paving shall consist of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles".

The Meads have agreed that the driveway, parking areas, and drive aisles for the business will all be paved and dust-free.

The existing house is set back approximately 100' from the new right-of-way/property line. This may remain; however, any accessory buildings must be placed to the side or rear of the existing house and not within the C-2 district.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) and Residential Ranchette District (R-5) to Residential Urban Rural Single-Family (RU-80) and Community Commercial (C-2) with a Planned Unit Development (PUD) overlay district for proposed Lot 4 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Providence Hills Estates** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lot 3 prior to the recording of the final plat. RIF waiver approved or fees paid for Lot 2 prior to the recording of the final plat.
2. A shared driveway agreement will need to be in place at the time of Final Plat recording.



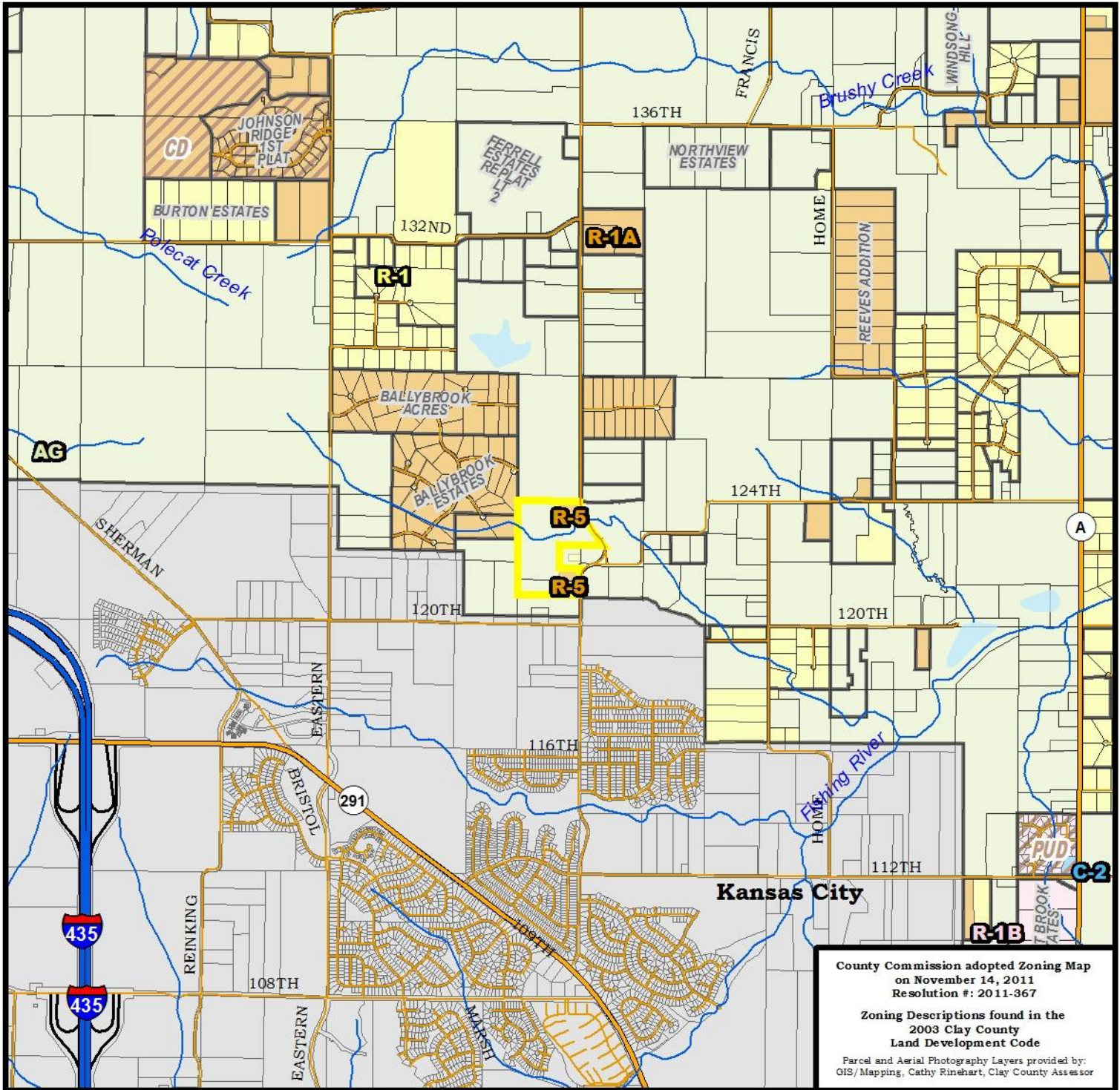
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3. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lots 2 or 3. Owners of the Lots must maintain both driveway and 911 signs.
4. Any future new or additions to structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
5. Designated outdoor storage must be screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.
6. All off-street parking areas, drive aisles, internal roadways, and loading areas used for the C-2 zoning district must be paved and kept in a dust-free condition at all times. Paving consists of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles.
7. The following changes to the recording copies of the final plat:
 - a. ADD: 15-foot Recreational Easement ("R.E.") graphic in the drawing and text in dedication section.
 - b. ADD NOTE: *"A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail "C-17 Third Priority" of the Northland Trails Plan along the West side of N. Stark Ave."*

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Attachment B - Existing Conditions Map



Planning & Zoning Department



1 inch = 3,000 feet
1 inch = 0.57 miles

LEGEND

- Property Line
- ~~~~~ Streams (EPA)
- ~~~~~ Railroads
- ~~~~~ Roads
 - ~~~~~ Interstates
 - ~~~~~ State Highways
 - ~~~~~ Local Roads
 - ~~~~~ Highway Ramps
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries

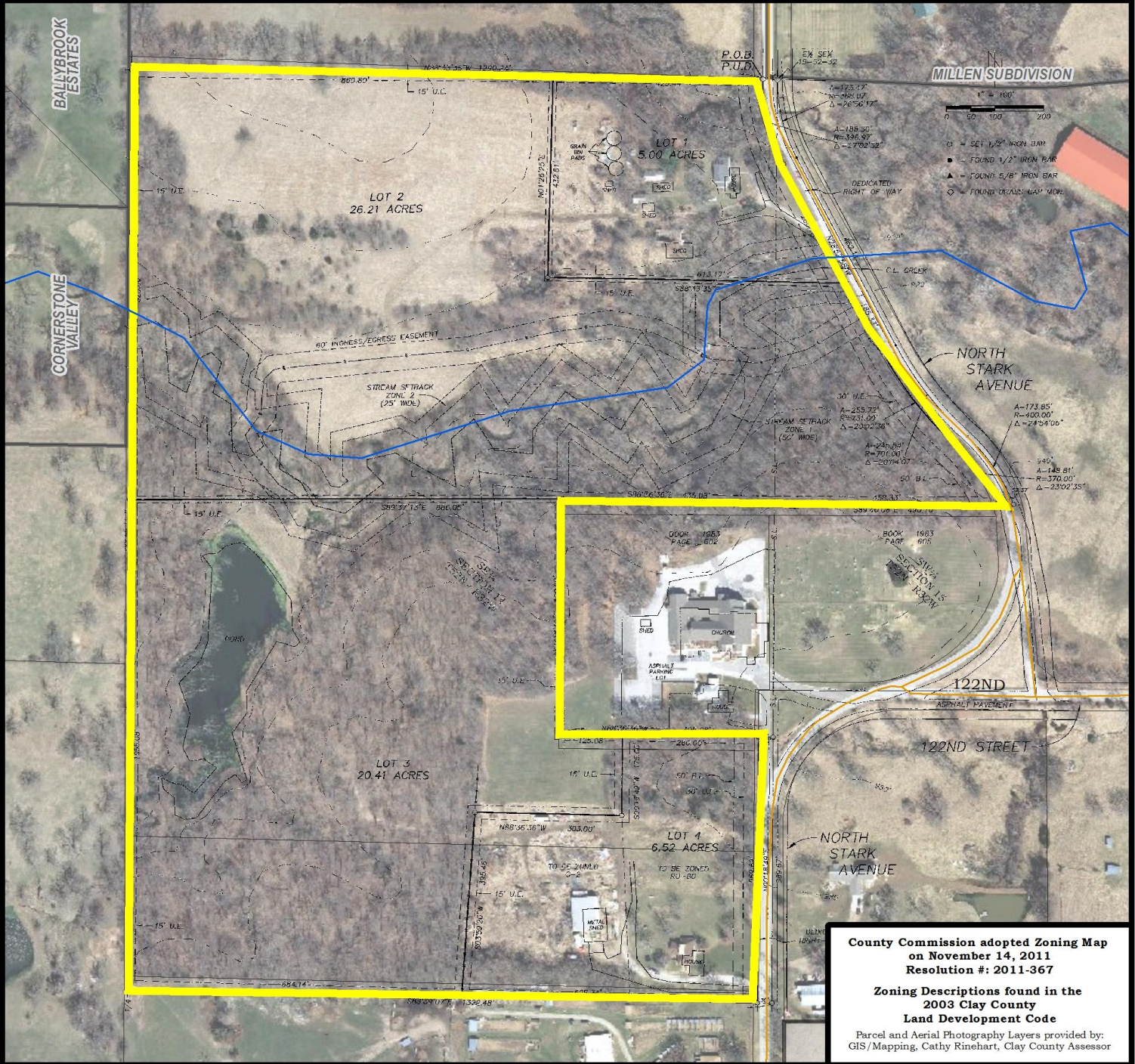
Overlay Districts

- CD (Conservation District)
- PUD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

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Attachment C - Site Plan Map



**County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367**

**Zoning Descriptions found in the
2003 Clay County
Land Development Code**

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor



Planning & Zoning Department

1 inch = 300 feet
1 inch = 0.06 miles


LEGEND

 Streams (

 Railroads



-  Interstates
-  State Highways
-  Local Roads
-  Highway Ramps



2013 City Limits



County Boundaries



CD (Conservation District)

PUD (Planned Unit Development)



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Attachment D – Business Plan / Site Plan Drawing

(5 pages)



Mead Construction Inc. Zoning PUD Plan Proposed for

12104 N Stark Ave.
Kansas City, MO 64167

Prepared By
Jeremiah Mead
January 21st 2014
Phone: (816) 805-1915
Email: jeremiahmead@gmail.com



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Mead Construction Inc, informally known as Mark Mead Concrete Construction to differentiate from a recent competitor, intends to move from its current location in Smithville, MO to a more permanent business location near a major highway, and it is our goal that the proposed PUD plot located at 12104 N Stark Rd, Kansas City, MO 64167 will become this new home to not only the business, but one of its officers as well. If accepted, we will not only be bringing additional tax revenue to the area, but employee resources, employment opportunities, and a quality service at a cheaper rate, due to lower travel time and cost. Though the 2008 Comprehensive Plan Zoning Map has the current location, and the majority of its surrounding area, zoned as AG, we believe that our plan is still consistent with the intent of Land Development Code. In fact, our equipment and daily operations will be relatively consistent with those being practiced by many of the farming families that adhere to the current AG related regulations, but by proceeding with the PUD, it will be known that the rezoning will result in a much more orderly and organized maintenance and storage facility, so as to comply with the rezoned regulations. Below, in bold, is a section cut directly from page 39 of the Comprehensive Plan.

GOAL: LAND USE AND DEVELOPMENT

Provide the opportunity for urban, low density rural, and agricultural land uses.

OBJECTIVE 1 (Land Use and Development)

Encourage compatibility between agricultural uses and urbanizing areas.

POLICIES (Land Use and Development)

A. Prohibit commercial or industrial land uses in rural areas if they are likely to interfere with or become a nuisance to normal farming operations.

B. Prohibit the bulk storage of agricultural chemicals or petroleum products which are flammable or toxic adjacent to residential areas, and do not allow residential development adjacent to existing storage facilities.

C. Locate uses such as commercial feedlots which create sustained periods of noise, dust and odor in areas away from the urban service tier or existing rural subdivisions.

We are in compliance with all land use and development policies and an example of each follows:

A. The proposed plot west of the residence is not a significant enough tract of land to farm when looking at the access restrictions to the property and the wooded areas located within.

B. The future installation of a fuel tank should pose no problem since there are no residential developments or rural subdivisions adjacent to the facility.

C. Directly to the south there is a large commercial avian farm the produces much more sustained periods of noise, dust and odor than we will ever produce. However, the neighboring farm does serve as reasonable grounds in which to locate our new business in the area as to avoid the urban service tier or existing rural subdivisions.



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General Conditions and Summary

History of the property

At this time, and for generations before, the property has been used by the Ferrell family as a home, the steel erected barn behind the home has been used to service the family's personal and farm related equipment, and the surrounding area has been used as storage for numerous miscellaneous items.

Existing home on the property

The home on the eastern portion, nearest the road, has been a family home to Robert, then Adam, and it will continue to be a family home for Jeremiah Mead if/when the property is rezoned and sold. Just as the previous owners used its driveway as an entrance to access the barn, Mead Construction Inc will follow suit.

Existing barn on the property

The barn on the western portion of the property has been used as storage for maintenance equipment. Mead Construction Inc. would use the barn for the same purposes initially but would eventually like the opportunity to expand and would require that right before purchasing the property. A detailed description of the expansion is described under its own section of this proposal and on the site plan drawing.

Initial and future proposed land uses within the PUD by Mead Construction Inc.

The eastern section of the property, to be zoned residential, shall serve as a single family as it presently exists. The western section of the property, which consists of the existing barn and surrounding area, would be rezoned to commercial. It would be accessed through the same driveway, and for the most part be used by Mead Construction Inc. initially for large and small equipment and tool storage and maintenance, material storage, and vehicle parking.

In the coming years when funds become available, Mead Construction Inc. will seek to expand upon the existing site by adding additional building space and functionality. A detailed description of the expansion is described under its own section of this proposal and shown on the preliminary site plan drawing.

Mead Construction Inc. Overview

Scope of Business

We are a concrete flat work company that primarily works in the residential, new home construction market north of the river, as well as the commercial market across the greater Kansas City area. We provide builders, developers, and homeowners with new floors, driveways, sidewalks, steps, etc. commercial, industrial, and shipping receiving facilities with new construction, small and large quantity floor, curb and gutter, or paving removal and replacement services. All of these project sites take place at addresses other than the subject PUD.

Business Hours

Working in the construction industry, especially in Kansas City's climate, makes it difficult to have definitive business hours. Our trade's governing standards dictate many regulations in which it isn't feasible to work during the rain, cold, etc. In order to attempt to provide full time careers to our employees, within obvious seasonal restrictions, our hours of operation generally tend to be from dawn to dusk during weather permitting days, averaging approximately 175 "on the job" working days which take place Monday through Saturday.

Business Employees

The number of employees at any single time varies greatly due to a number of factors but averages approximately 10 at any given date. The majority of the employees do not appear at our shop location, but at their designated job site. We average between 2-4 drivers that show up to the shop during "on the job"



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working days to drive equipment to and from job sites. These same 2-4 employees will also be allowed to have "shop time" during non-"on the job" working days, in which they do essential maintenance to equipment or organize the shop and company materials.

Incoming Customers

Being that our business provides a service to customers at off site locations it would be reasonable to assume that the daily incoming customer rate would be zero, but in order to remain flexible, we would request a rate of 2 incoming customers weekly.

Incoming Vendors

Material vendors will occasionally deliver products such as, but not limited to, loads of 1/2" clean rock, bundles of rebar, banded form lumber drops, and other materials essential to our service annually averaging at approximately 4 times per month.

Material and Equipment Storage

All company storage would take place on the western portion of the property in and behind the existing barn. It is our belief that if something is out of sight then it is out of mind. Initially this section would serve as material, equipment storage, and parking for company owned trucks and trailers that the current building cannot house, as well as employee parking while employees that drive company vehicles to the job site. Materials stored outdoors would include the 1/2" clean rock, rebar, and lumber, etc and equipment which currently includes machinery such as compact multi terrain loaders, skid steer loader, mini excavator, tractor, attachments, and the trucks and trailers deemed suitable to transport such tools and equipment.

Expansion

Our first order of business shall be to screen the property. There is currently a fence line running the southern and western property line with enough tree and brush foliage to act as sufficient screening on those boundaries, but we will erect a six foot privacy fence along the northern boundary of the commercially zoned portion between the existing wooded areas and use the existing barn as screening if viewed from the east. We will also begin to rock a sufficient area from the western side of the barn, farther west, to act as a material and equipment storage area.

As funds become available we intend to increase the functionality of the area within the proposed PUD. Within 1-5 years we intend to start by adding fuel tanks in conformance with Federal, State, and local requirements, a concrete walled bin to store the rock, expanding the size of the current barn, with similar construction methods, adding an additional 50 ft. by 80 ft. to the north in order to house more equipment indoors, with all doors facing the west. The addition would also serve as screening if viewed from the east.

As more funds became available we would like to continue expansion on the new section of the barn, this time growing from the northernmost point westward, with a 30 ft. by 80 ft addition. The 80 ft. dimension would run east and west, with doors facing to the south. This addition would be used to store more equipment, trucks, and trailers indoors that will also add to the screening from any adjacent property and public roadways.

As the building expands, we intend to expand our number of employees and incoming vendors respectively, adding positions for a permanent, shop related, maintenance position, as well as a position for a part time administrative assistant. We see no benefit of acquiring more, full time, labor positions, in excess of 16 total, anytime in the near future, and our current truck, trailer, and equipment stock is sufficient for the quantity of work completed to date and the prospective future, but we may acquire an additional truck and/or trailers in the coming years for conditions unseen.



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SITE PLAN PROPOSED LOT 4, PROVIDENCE HILLS ESTATES

